

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Eric Coard,)	C/A No.: 1:10-1847-HFF-SVH
)	
Plaintiff,)	
)	
vs.)	
)	REPORT AND RECOMMENDATION
Simon Major, Director of SLRDC, in his)	
individual and personal capacity; D.)	
Scott Cook, Dietician of SLRDC; in his)	
individual and personal capacity,)	
)	
Defendants.)	
_____)	

Plaintiff filed this action, which is construed as alleging violations of 42 U.S.C. § 1983. Before the court is Defendants' Motion to Dismiss for Lack of Prosecution filed February 8, 2011. [Entry #27]. All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 73.02(B)(2)(d) (D.S.C.). Because this is a dispositive motion, this report and recommendation is entered for review by the district judge.

As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), on February 9, 2011, advising him of the importance of a motion to dismiss and of the need for him to file an adequate response. [Entry #28]. The *Roseboro* order was returned to the Clerk of Court's office via United States Postal Service on February 18, 2011. [Entry #34]. Plaintiff was previously directed by order of this court to keep the court apprised of any change in address:

You are ordered to always keep the Clerk of Court advised in writing (Post Office Box 2317, Florence, South Carolina 29503) if your address

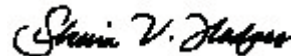
changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this order, you fail to meet a deadline set by this court, **your case may be dismissed for violating this order.** Therefore, if you have a change of address before this case is ended, you must comply with this order by immediately advising the Clerk of Court in writing of such change of address and providing the Clerk of Court with the docket numbers of all pending cases you have filed with this court. Your failure to do so will not be excused by the court.

Put this order with your own record of this case so that you will not overlook your duty. If your address changes in the future, you must provide the court with your *own* new address.

[Entry #11] (emphasis in original). No response has been filed by Plaintiff to Defendants' motion to dismiss, and Plaintiff has not notified the court of a change of address. Plaintiff has failed to comply with this order, and as a result, neither the court nor the Defendants have any means of contacting him concerning his case.

Based on the foregoing, and the previous instructions and specific warning given to Plaintiff in the court's prior order, it is recommended that this action be dismissed with prejudice, in accordance with Fed. R. Civ. P. 41(b). The Clerk is directed to send this Report and Recommendation to Plaintiff at his last known address.

IT IS SO RECOMMENDED.



February 22, 2011
Florence, South Carolina

Shiva V. Hodges
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**